

**ASSEMBLY BILL**

**No. 2194**

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**Introduced by Assembly Member Mullin**

February 20, 2014

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An act to amend Section 53313 of the Government Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

AB 2194, as introduced, Mullin. Mello-Roos Community Facilities Act of 1982.

The Mello-Roos Community Facilities Act of 1982 authorizes a community facilities district to finance various services, including, but not limited to, flood and storm protection services, as specified.

This bill would additionally authorize the financing of storm water management.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 53313 of the Government Code is
- 2 amended to read:
- 3 53313. A community facilities district may be established under
- 4 this chapter to finance any one or more of the following types of
- 5 services within an area:
- 6 (a) Police protection services, including, but not limited to,
- 7 criminal justice services. However, criminal justice services shall
- 8 be limited to providing services for jails, detention facilities, and
- 9 juvenile halls.

1 (b) Fire protection and suppression services, and ambulance  
2 and paramedic services.

3 (c) Recreation program services, library services, maintenance  
4 services for elementary and secondary schoolsites and structures,  
5 and the operation and maintenance of museums and cultural  
6 facilities. A special tax may be levied for any of the services  
7 specified in this subdivision only upon approval of the registered  
8 voters as specified in subdivision (b) of Section 53326. An election  
9 to enact a special tax for recreation program services, library  
10 services, and the operation and maintenance of museums and  
11 cultural facilities may be conducted pursuant to subdivision (c) of  
12 Section 53326.

13 (d) Maintenance and lighting of parks, parkways, streets, roads,  
14 and open space.

15 (e) Flood~~and~~, storm protection services, *and storm water*  
16 *management*, including, but not limited to, *compliance with state*  
17 *and federal storm water permit requirements*, the operation and  
18 maintenance of storm drainage systems, plowing and removal of  
19 snow, and sandstorm protection systems.

20 (f) Services with respect to removal or remedial action for the  
21 cleanup of any hazardous substance released or threatened to be  
22 released into the environment. As used in this subdivision, the  
23 terms “remedial action” and “removal” shall have the meanings  
24 set forth in Sections 25322 and 25323, respectively, of the Health  
25 and Safety Code, and the term “hazardous substance” shall have  
26 the meaning set forth in Section 25281 of the Health and Safety  
27 Code. Community facilities districts shall provide the State  
28 Department of Health *Care* Services and local health and building  
29 departments with notification of any cleanup activity pursuant to  
30 this subdivision at least 30 days prior to commencement of the  
31 activity.

32 (g) Maintenance and operation of any real property or other  
33 tangible property with an estimated useful life of five or more  
34 years that is owned by the local agency or by another local agency  
35 pursuant to an agreement entered into under Section 53316.2.

36 A community facilities district tax approved by vote of the  
37 landowners of the district may only finance the services authorized  
38 in this section to the extent that they are in addition to those  
39 provided in the territory of the district before the district was

1 created. The additional services shall not supplant services already  
2 available within that territory when the district was created.  
3 Bonds shall not be issued pursuant to this chapter to fund any  
4 of the services specified in this section, although bonds may be  
5 issued to fund capital facilities to be used in providing these  
6 services.

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